

Notice of Allowability

Application No.

09/652,591

Examiner

Monique R Jackson

Applicant(s)

IDLAS, SCOTT A.

Art Unit

1773

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Amendment filed 8/16/04.
2. ☒ The allowed claim(s) is/are 1-44, 46, 48-92 and 94-100.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 4/04
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

DETAILED ACTION

1. The following is an examiner's statement of reasons for allowance: the closest prior art Idlas teaches a multilayer, preferably biaxially oriented, heat shrinkable film suitable for processing and/or packaging cook-in foods having an excellent combination of oxygen barrier, heat seal and optical properties as well as low extractable content levels comprising at least five sequential layers with a first layer consisting essentially of a copolymer of propene and at least one C₂-C₈ alpha-olefin having a propene content of at least 60 wt %, preferably at least 90wt% and optionally at least 95wt%, with a melting point less than 140°C, preferably about 126-136°C; a second layer comprising (1) a first copolymer of ethylene and at least one C₄-C₈ alpha-olefin having a density of from 0.900 to 0.915 g/cm³ and a melt index of less than 1.0 dg/min and (2) a second copolymer of ethylene with from 4 to 18%, preferably 4 to 12%, of a vinyl ester or alkyl acrylate; a third gas barrier layer of EVOH or a blend of EVOH and nylon; a fourth layer the same as the second layer; and a fifth layer of a first copolymer of ethylene and at least one C₄-C₈ having a density of from 0.900 to 0.915 g/cm³ and a melt index of less than 1.0dg/min, and a second copolymer of ethylene with from 4 to 18%, preferably 4 to 12%, of a vinyl ester or alkyl acrylate, and optionally a third copolymer of ethylene and at least one C₃-C₈ alpha-olefin having a density of less than 0.900 g/cm³ and a melting point of less than 85°C; wherein the propene copolymer of the first layer is preferably a propylene-ethylene copolymer, including a propylene-ethylene copolymer polymerized from a process using a metallocene catalyst. However, Idlas does not teach or fairly suggest utilizing a barrier layer of PVDC which provides improved moisture barrier properties over EVOH or producing a film consisting essentially of

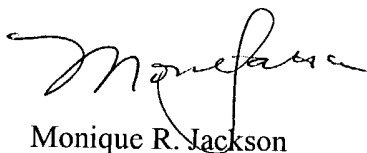
the first layer of propylene copolymer having the properties as instantly claimed and the second layer of ethylene copolymer wherein a core barrier layer is excluded.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Monique R Jackson whose telephone number is 571-272-1508. The examiner can normally be reached on Mondays-Thursdays, 8:00AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Deborah Jones can be reached on 571-272-1535. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Monique R. Jackson
Primary Examiner
Technology Center 1700
November 9, 2004

MONIQUE R. JACKSON
PRIMARY EXAMINER